

*Karas, J*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	<u>ORDER OF FORFEITURE</u>
-v-	:	S1 05 Cr. 470 (KMK)
CARLOS VIZCAINO,	:	
	:	
Defendant.	:	

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WHEREAS, on or about March 10, 2006, CARLO VIZCAINO (the "defendant"), was charged in a six-count superceding Information S1 05 Cr. 470 (KMK) (the "Information") with conspiring to distribute, and possess with intent to distribute heroin, in violation of Title 21, United States Code, Section 812, 841(a), and 841(b)(1)(C) (Count One); conspiracy to distribute, and possess with intent to distribute 5 kilograms of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a), and 841(b)(1)(A) (Count Two); conspiracy to distribute, and possess with intent to distribute 1 kilogram of heroin, in violation of Title 21, United States Code, Sections 812, 841(a), and 841(b)(1)(A) (Count Three); conspiracy to distribute, and possess with intent to distribute 1 kilogram of heroin, in violation of Title 21, United States Code, Sections 812, 841(a) and 841(b)(1)(A) (Count Four); conspiracy to distribute, and possess with intent to distribute 1 kilogram of

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heroin and 5 kilograms of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a), and 841(b)(1)(A) (Count Five); and with illegal reentry after deportation, in violation of Title 8, United States Code, Section 1326(a) and (b)(2) (Count Six);

WHEREAS, the superceding Information included a forfeiture allegation seeking, pursuant to Title 21, United States Code, Sections 841(a)(1) and 853, any and all property constituting or derived from proceeds obtained directly or indirectly as a result of said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations in Counts One through Six of the superceding Information, including but not limited to, a sum of money equal to \$1,500,000 in United States currency, representing the amount of proceeds obtained as a result of the narcotics offenses;

WHEREAS, on or about March 10, 2006, the defendant CARLOS VIZCAINO, pursuant to an agreement with the Government, pled guilty to the Indictment; and

WHEREAS, the defendant admitted to the forfeiture allegation with respect to Counts One through Six of the superceding Information, and agreed to forfeit to the United States a sum of money equal to \$1,500,000 in United States

Currency, representing the amount of proceeds obtained as a result of the offenses; and

WHEREAS, on or about May 9, 2008, the defendant was sentenced and was ordered to forfeit a sum of money equal to \$1,500,000 in United States Currency, for which the defendant is jointly and severally liable; and

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. As a result of the offenses in the superceding Information to which the defendant entered a plea of guilty, a money judgment in the amount of \$1,500,000 shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final as to the defendant, CARLOS VIZCAINO, at the time of sentencing and shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.


4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

6. The Clerk of the Court shall forward four certified copies of this Order to Assistant U.S. Attorney Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
May 27, 2008

SO ORDERED:



HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE